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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,988	08/12/2003	Hiroyuki Sugawara	450100-04709	6298
7590 10/09/2007 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE NEW YORK, NY 10151			EXAMINER MORRISON, JAY A	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/638,988

Applicant(s)

SUGAWARA ET AL.

Examiner

Jay A. Morrison

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/24/07.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-8 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (Publication Number US2003/0004984) in view of Bly et al. ('Bly' hereinafter) (Publication Number 2002/0087345).

As per claim 1, Chou teaches

A data storage system having a plurality of terminal apparatuses of users connected with a data storage unit of a service provider via a computer network (paragraph [0020]), said data storage unit storing data from inside said terminal apparatuses so that the stored data are subsequently used by said users (paragraph [0030]), said data storage unit comprising:

connecting means for connecting said data storage unit of said service provider with one or more terminal apparatuses associated with each of said users via said computer network independently of types of said terminal apparatuses (paragraph [0022], [0024-0025]);

file storing means for allocating to each one of said users a user area of a predetermined size in which to store data from inside the respective terminal apparatus of a user in question (paragraph [0020]);

file managing means for managing the data being stored in said file storing means (paragraph [0030]);

data format converting means for automatically determining the type of terminal apparatus of a user other than the user in question and for performing, a data format converting process (paragraph [0028-0029], [0044])

wherein, in response to a use request from any user other than the user in question, said data format converting means automatically converts stored data of the user in question into a format compatible with the type of the terminal apparatus used

by the user other than the user in question for connection to the system, the converted data being used by said terminal apparatus through which said user other than the user in question has sent said use request.(paragraph [0020-0025]).

the automatic conversion of the stored data of the user in question into a format compatible with the type of terminal apparatus used by the user. (paragraph [0020-0025])

Chou does not explicitly indicate “and wherein the user in question can prohibit” nor “other than the user in question”.

However, Bly discloses “and wherein the user in question can prohibit” and “user other than the user in question” (predefined rules to prohibit unauthorized users, paragraph [0008]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Chou and Bly because using the steps of “and wherein the user in question can prohibit” and “user other than the user in question” would have given those skilled in the art the tools to improve the invention by allowing certain access to be guarded. This gives the user the advantage of having some measure of security.

As per claims 7-8,

These claims are rejected on grounds corresponding to the arguments given above for rejected claim 1, respectively, and are similarly rejected.

4. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou (Publication Number US2003/0004984) in view of Bly et al. ('Bly' hereinafter) (Publication Number 2002/0087345) and further in view of Puri (Publication Number. US2001/0037241).

As per claim 2,

Neither Chou nor Bly explicitly indicate "data disclosure controlling means to enable each user to manage the conditions under which the respective stored data in said data storing means are allowed to be used" and "wherein said data disclosure controlling means enables the data for which said use conditions have been set by each user to be used by users other than the user who stored the data in question into said data storing means".

However, Puri teaches "data disclosure controlling means for managing use conditions under which said stored data in said data storing means are allowed to be used" (See paragraph [0039]) and "wherein said data disclosure controlling means enables the data for which said use conditions have been set to be used by users other than the user who stored the data in question into said data storing means" (See paragraph [0040]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chou in view of Bly by teachings of Puri. Puri's system is unique in that not all users require a user name and password to access the data storage, but

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entering a username and password would help identify whether or not the user is a specific type of user.

As per claim 3,

Neither Chou nor Bly explicitly indicate "announcing means for announcing that the data for which said use conditions have been set are usable by the users other than said user who stored the data in question into said data storing means".

However, Puri teaches "announcing means for announcing that the data for which said use conditions have been set are usable by the users other than said user who stored the data in question into said data storing means" (See paragraph [0075, 0100]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chou in view of Bly with the teachings of Puri, because the announcing means works as a matching base that matches a potential buyer with a seller.

As per claim 4,

Neither Chou nor Bly explicitly indicate "wherein said announcing means makes the announcement to a specific user other than said user who stored the data in question into said data storing means".

However, Puri teaches "wherein said announcing means makes the announcement to a specific user other than said user who stored the data in question into said data storing means" (See paragraph [0114]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chou in view of Bly with the teachings of Puri, because the announcing means works as a matching base that matches a potential buyer with a seller.

As per claim 5,

Neither Chou nor Bly explicitly indicate "means for establishing either in response to a request from another user before said announcement, or after said announcement".

However, Puri teaches "means for establishing either in response to a request from another user before said announcement, or after said announcement"(See paragraph [0076])

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chou in view of Bly by teachings of Puri, wherein Puri's teachings included finding a potential buyer and contacting the buyer, without the matching process.

As per claim 6,

Neither Chou nor Bly explicitly indicate "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set".

However, Puri teaches "recording means for recording settings of said use conditions and a history of uses by the other users of the data for which said use condition have been set" (See paragraph [0039-0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chou in view of Bly by the teachings of Puri, because obtaining a user name and password through registration would have included the need to enter varied information which becomes the users profile, likewise the history or interest of a user may be based on relevant data enter by the user.

Response to Arguments

5. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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